

## DRAFT RECODIFICATION

### Title 79 RCW PUBLIC LANDS

#### Chapter 79.17 RCW LAND TRANSFERS

#### PART I Exchanges

#### **RCW ~~79.08.180~~ 79.17.010 Exchange of state lands -- ~~Additional~~ Purposes--Conditions.**

The department ~~of natural resources~~, with the approval of the board ~~of natural resources~~, may exchange any state land and any timber thereon for any land of equal value in order to:

- (1) Facilitate the marketing of forest products of state lands;
- (2) Consolidate and block-up state lands;
- (3) Acquire lands having commercial recreational leasing potential;
- (4) Acquire county-owned lands;
- (5) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW ~~79.01.784~~ 79.19.100; or
- (6) Acquire any other lands when such exchange is determined by the board of natural resources to be in the best interest of the trust for which the state land is held.
- (7) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.
- (8) The board ~~of natural resources~~ shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

[1987 c 113 § 1; 1983 c 261 § 1; 1973 1st ex.s. c 50 § 2; 1961 c 77 § 4; 1957 c 290 § 1.]

Notes:

Exchange to block up holdings: RCW 76.12.050, 76.12.060.

#### **RCW ~~76.12.050~~ 79.17.020 Exchange of lands to consolidate and block up holdings or obtain lands having commercial recreational leasing potential.**

The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board ~~of natural resources~~ shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the

jurisdiction of the department of ~~natural resources~~, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

{“lands”, in the context of statutes from chapter 76.12 RCW, means “state forest lands.”}

[1973 1st ex.s. c 50 § 1; 1961 c 77 § 1; 1937 c 77 § 1; RRS § 5812-3e.]

**RCW ~~79.08.070~~ 79.17.030 University demonstration forest and experiment station.**

For the purpose of securing an area suitable for a demonstration forest and forest experiment station for the University of Washington authority is hereby granted the board of regents of the University of Washington and the ~~commissioner of public lands department~~ with the ~~advice and approval of the state board of land commissioners~~, all acting with the advice and approval of the attorney general, to exchange all or any portion of the granted lands of the University of Washington assigned for the support of said university by section 9 of chapter 122 of the act of March 14<sup>th</sup>, 1893, enacted by the legislature of Washington, being entitled, "An act providing for the location, construction and maintenance of the University of Washington, and making an appropriation therefor, and declaring an emergency," for all or any portion of such lands as may be acquired by the state under and by virtue of chapter 102, ~~of the Session Laws of Washington for the year~~ 1913, being: "An act relating to lands granted to the state for common schools and for educational, penal, reformatory, charitable, capitol buildings and other purposes providing for the completion of such grants and the relinquishment of certain granted lands; and making an appropriation," approved March 18<sup>th</sup>, 1913, by exchange with the United States in the Pilchuck-Sultan-Wallace watersheds included within the present boundaries of the Snoqualmie national forest. ~~Said~~ The board of regents and commissioner of public lands department with the advice and approval ~~aforsaid~~ required by this section are hereby authorized to execute such agreements, writings or relinquishments as are necessary or proper for the purpose of carrying said exchange into effect and such agreements or other writings to be executed in duplicate, one to be filed with the ~~commissioner of public lands department~~ and one to be delivered to the ~~said~~ board of regents. ~~Said~~ The exchange shall be made upon the basis of equal values to be determined by careful valuation of the areas to be exchanged.

[1917 c 66 § 1; RRS § 7848.]

**Notes:**

**Reviser's note:** 1893 c 122 § 9 referred to herein reads as follows: "That 100,000 acres of the lands granted by section 17 of the enabling act, approved February 22, 1889, for state, charitable, educational, penal and reformatory institutions are hereby assigned for the support of the University of Washington."

**RCW ~~79.08.250~~ 79.17.040 Exchange of ~~lands~~ property acquired as administrative sites--  
Purposes.**

The department of ~~natural resources~~ may exchange surplus real property previously acquired by the department as administrative sites. The property may be exchanged for any public or private real property of equal value, to preserve archeological sites on trust lands, to acquire land to be held in natural preserves, to maintain habitats for endangered species, or to acquire or enhance sites to be dedicated for recreational purposes.

[1979 c 24 § 1.]

**RCW ~~79.08.015~~ 79.17.050 Exchange of land under control of department of natural  
~~resources~~--Public notice--News release--Hearing--Procedure.**

Before the department of ~~natural resources~~ presents a proposed exchange is presented to the board of ~~natural resources~~ involving an exchange of any lands under the administrative control of the department of ~~natural resources~~, the department shall hold a public hearing on the proposal in the county where the state-owned land or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state-owned land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

*{“state land” has been replaced with “state-owned land.” An exchange involves two land-owners. The word “state land” in this statute is an attempt to talk about those lands owned by the state that will be exchanged. It is not the “state lands” defined in RCW 79.02.010.}*

[1979 c 54 § 1; 1975 1st ex.s. c 107 § 2.]

**Notes:**

*Exchange of state land by parks and recreation commission, procedure: RCW 79A.05.180.*

**RCW ~~76.12.060~~ 79.17.060 Exchange of lands to consolidate and block up holdings--  
Agreements and deeds by commissioner.**

The commissioner of ~~public lands~~ shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such

deeds as are necessary or proper to complete an exchange, ~~as authorized by the board of natural resources under RCW 76.12.050.~~  
{incorporates 79.08.200}

[1961 c 77 § 2; 1937 c 77 § 2; RRS § 5812-3f.]

**RCW ~~76.12.065~~ 79.17.070** Exchange of lands to consolidate and block up holdings--  
Lands acquired are subject to same laws and administered for same fund as lands  
exchanged.

Lands acquired by the state of Washington as the result of any exchange ~~authorized under RCW 76.12.050~~ shall be held and administered for the benefit of the same fund and subject to the same laws as were the lands exchanged therefor.  
{incorporates 79.08.190}

[1961 c 77 § 3.]

## PART II

### Purchase or Lease of Land by School Districts and Institutions of Higher Education

NEW SECTION **RCW 79.17.100** Application by school districts.

Except as otherwise provided in RCW 79.17.110, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the state board of education ~~÷ PROVIDED, That~~ However, in the event the department thereafter proposes to offer such land for sale or lease at public auction such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board.  
{79.01.096}

**RCW ~~79.01.770~~ 79.17.110** School districts, ~~institutions of higher education, --Purchase of leased lands with improvements by --Authorized --Exception --Price.~~

Notwithstanding the provisions of RCW ~~79.01.096~~ 79.11.010 or any other provision of law, any school district or institution of higher education leasing land granted to the state by the United States and on which land such district or institution has placed improvements as defined in RCW ~~79.01.036~~ 79.02.010 shall be afforded the opportunity by the department ~~of natural~~

~~resources~~ at any time to purchase such land, excepting land over which the department retains management responsibilities, for the purposes of schoolhouse construction and/or necessary supporting facilities or structures at the appraised value thereof less the value that any improvements thereon added to the value of the land itself at the time of the sale thereof.

[1985 c 200 § 1; 1982 1st ex.s. c 31 § 1; 1980 c 115 § 8; 1971 ex.s. c 200 § 2.]

**Notes:**

**Severability--1980 c 115:** See note following RCW 28A.335.090.

**Severability--1971 ex.s. c 200:** See note following RCW 79.01.096.

**RCW ~~79.01.774~~ 79.17.120 School districts, ~~institutions of higher education, purchase of leased lands with improvements by--~~ Certain --Purchases classified-- Payable out of common from school construction fund.**

The purchases authorized under RCW ~~79.01.770~~ 79.17.110 shall be classified as for the construction of common school plant facilities under RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.515.320 if the school district involved was under emergency school construction classification as established by the state board of education at any time during the period of its lease of state lands.

[1990 c 33 § 596; 1971 ex.s. c 200 § 3.]

**Notes:**

**Purpose--Statutory references--Severability--1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Severability--1971 ex.s. c 200:** See note following RCW 79.01.096.

**RCW ~~79.01.778~~ 79.17.130 School districts, ~~institutions of higher education, purchase of leased lands with improvements by--~~ Extension of contract period, ~~when--~~ Limitation.**

In those cases where the purchases, as authorized by RCW ~~79.01.770~~ 79.17.770 and ~~79.01.774~~ 79.17.120, have been made on a ten year contract, the board of ~~natural resources~~, if it deems it in the best interest of the state, may extend the term of any such contract to not to exceed an additional ten years under such terms and conditions as the board may determine.

[1971 ex.s. c 200 § 4.]

**Notes:**

Severability--1971 ex.s. c 200: See note following RCW 79.01.096. [1971 ex.s. c 200 § 4.]

**Notes:**

**Severability--1971 ex.s. c 200:** See note following RCW 79.01.096.

**RCW ~~79.01.780~~ 79.17.140 ~~Determination if lands purchased or leased by School districts or institutions of higher education are used as school sites--~~Reversion, when.**

Notwithstanding any other provisions of law, annually the board of ~~natural resources~~ shall determine if lands purchased or leased by school districts or institutions of higher education under the provisions of RCW ~~79.01.096~~ 79.11.010 and ~~79.01.770~~ 79.11.110 are being used for school sites. If such land has not been used for school sites for a period of seven years the title to such land shall revert to the original trust for which it was held.

[1971 ex.s. c 200 § 5.]

**Notes:**

**Severability--1971 ex.s. c 200:** See note following RCW 79.01.096.

### **PART III Land Transfer**

**RCW ~~79.01.009~~ 79.17.200 ~~Real property--~~Transfer or disposal without public auction.**

(1) For the purposes of this section, "public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(2) With the approval of the board of natural resources, the department of ~~natural resources~~ may directly transfer or dispose of real property, without public auction, in the following circumstances:

- (a) Transfers in lieu of condemnations;
- (b) Transfers to public agencies; and
- (c) Transfers to resolve trespass and property ownership disputes.

(3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

[1992 c 167 § 2.]

**RCW ~~43.30.265~~ 79.17.210 ~~Real property asset base--~~Natural resources real property replacement account.**

(1) The legislature finds that the department of ~~natural resources~~ has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real

property by the department of ~~natural resources~~ under RCW ~~79.01.009~~ 79.17.200. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation.

[1992 c 167 § 1.]